

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

NUVERA FUEL CELLS, INC.

Plaintiff

V.

XEROX CORP.

Defendant

CIVIL ACTION

NO. 04CV11292-RWZ

O R D E R

ZOBEL, D. J.

The complaint in the above-entitled action was filed on 6/10/04.

As of this date there has been no return to the Court of proof of service of the summons and complaint as required by Rule 4(m) of the Federal Rules of Civil Procedure and Local Rule 4.1(b) of the Local Rules of this Court.

Accordingly, it is hereby ORDERED that, pursuant to Rule 4(m), Fed. R. Civ. P., and Local Rule 4.1(b), the above-entitled action will be dismissed without prejudice in twenty (20) days from the date of this Order unless a proof of service is filed or good cause shown why service has not been made.

By the Court,

2/4/05

Date

s/ Lisa A. Urso

Deputy Clerk